

SLR:BGK
F.# 2015R00747

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

JUAN ÁNGEL NAPOUT,

Defendant.

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 04 2018 ★

BROOKLYN OFFICE

ORDER OF FORFEITURE

15-CR-252 (S-2) (PKC)

WHEREAS, on or about June 14, 2017, JUAN ÁNGEL NAPOUT (the “defendant”), was charged in a Second Superseding Indictment (the “Indictment”) with multiple counts, that include racketeering conspiracy and wire fraud conspiracy;

WHEREAS, the Indictment included forfeiture allegations seeking, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 1963(a) and 1963(m), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c), the forfeiture of: (i) any interest the defendant acquired or maintained in violation of 18 U.S.C. § 1962; (ii) any interest in, security of, claims against, or property or contractual right of any kind affording a source of influence over any enterprise which the defendant established, operated, controlled, conducted or participated in the conduct of, in violation of 18 U.S.C. § 1962; (iii) any property constituting, or derived from, any proceeds which the defendant obtained, directly or indirectly, from racketeering activity in violation of 18 U.S.C. § 1962; (iv) any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the defendant’s violation of 18 U.S.C. § 1349; and/or (v) substitute assets;

WHEREAS, on or about December 22, 2017, a jury found the defendant guilty of Count One (racketeering conspiracy), and Counts Two and Six (wire fraud conspiracy) (hereinafter, the “Offenses of Conviction”);

WHEREAS, the Court finds that the defendant must forfeit to the United States the amount of three million three hundred seventy-four thousand twenty-five dollars and eighty-eight cents (\$3,374,025.88) (the “Forfeiture Money Judgment”), which amount represents the total amount of proceeds obtained by the defendant as a result of the Offenses of Conviction;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 1963(a) and 1963(m), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c). The Forfeiture Money Judgment is due on November 27, 2018 (the “Due Date”).

2. If the Forfeiture Money Judgment is not received by the Due Date, the defendant shall forfeit any other property of his up to the value of the outstanding balance, pursuant to 18 U.S.C. § 1963(m) and 21 U.S.C. § 853(p). The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment. The defendant shall not file or interpose any claim or assist others to file or interpose any claim to any of the property against which the government seeks to execute the Forfeiture Money Judgment in any administrative or judicial proceeding.

3. All payments made by the defendant toward the Forfeiture Money Judgment shall be made by a money order, or a certified or official bank check, payable to United States v. Juan Angel Napout, 15-CR-252 (S-2) (PKC)
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the “United States Marshals Service,” with the criminal docket number noted on the face of the check. The defendant shall cause said check(s) to be delivered by overnight mail to Assistant United States Attorney Brian Morris, United States Attorney’s Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201.

4. Upon entry of this Order of Forfeiture (“Order”), the United States Attorney General or his designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c). The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court’s entry of the judgment of conviction.

5. The entry and payment of the Forfeiture Money Judgment is not to be considered a payment of a fine, penalty, restitution loss amount, or income taxes that may be due, and shall survive bankruptcy.

6. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order is final and shall be made part of the defendant's sentence and included in the judgment. This Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2). At that time the monies and/or properties forfeited herein shall be forfeited to the United States for disposition in accordance with the law.

7. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

8. This Order shall be final and binding only upon the Court’s “so ordering” of the Order.

9. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

10. The Clerk of the Court is directed to send, by inter-office mail, five (5) certified copies of this executed Order to the United States Attorney's Office, Eastern District of New York, Attn: FSA Paralegal Nicole Brown, 271-A Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York
September 4, 2018

SO ORDERED:

s/PKC

HONORABLE PAMELA K. CHEN
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK